

MARRERO, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIRECTV LATIN AMERICA, LLC,
individually and in the right and on behalf
of LATIN AMERICAN SPORTS, LLC,

Plaintiff,

v.

PARK 610, LLC,
CARLOS VICENTE AVILA,
ROBERTO TIMISTIT,
CARLOS PRATOLA,
ALEJANDRO ZUNDA CORNELL and
DOES 1 through 10,

Defendants,

and

LATIN AMERICAN SPORTS, LLC,
as a Nominal Defendant.

X **JUDGE MARRERO**

08 Civ. _____

: '08 CIV 3987

ORDER OF ATTACHMENT

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>4-27-08</u>

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Victor Marrero, U.S.D.J.

Plaintiff has moved this Court for an order of attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and Article 62 of the New York Civil Practice Law and Rules ("CPLR"). Plaintiff has shown that it has causes of action, that it is probable that it will succeed on the merits, that defendant Carlos Vicente Avila is a non-domiciliary residing without the State of New York, having a domicile at Gelly 3650, Buenos Aires, Argentina, and that the amount demanded from Defendants exceeds all counterclaims known to Plaintiff.

NOW THEREFORE, for these reasons, as supported by the showings made in plaintiff's application for an order of attachment, including the Declaration of Michael Hartman dated April 28, 2008, and the exhibits thereto, it is hereby **ORDERED** that:

1. Plaintiff's motion for an order of attachment is granted;

2. The amount to be secured by this Order is Five Million Five Hundred and Fifty Thousand Dollars (\$5,550,000).

3. Plaintiff shall post a bond in the amount of \$ 600,000.00 as security.

4. The United States Marshal for the Southern District of New York, or any person appointed to act in his place and stead, shall levy within his jurisdiction at any time before final judgment, upon such funds, monies, property and/or interests in property of defendant Carlos Vicente Avila, including funds, monies, property and/or interests in accounts held at JP Morgan Chase Bank within the following account:

JP Morgan Chase Bank
One Chase Manhattan Plaza
New York, New York 10005
400-654865


and upon any interest of Carlos Vicente Avila in real property within his or her jurisdiction, as will satisfy the aforesaid sum of \$5,550,000 Dollars, ~~and shall pay or deliver all such funds, monies, property and/or interests in property to the Clerk of the Court for the purpose of satisfying any judgment that may be obtained against the Defendants in this action.~~ [and shall refrain from taking any property levied upon into his or her actual custody pending further order of this Court].

5. Upon Plaintiff's application, and for good cause shown, the Court hereby appoints Cliff Perciavalle, who is employed by Plaintiff's counsel, to act in the place and stead of the U.S. Marshal for the purpose of serving the Order and effecting the levy ordered hereby.

6. The statement required by CPLR 6219 shall be served by the garnishee upon the U.S. Marshal and plaintiff's counsel within five (5) days after service of this Order. Plaintiff shall move within 10 days after levy for an order confirming this order of attachment.

Dated: New York, New York
April 29, 2008

SO ORDERED



U.S.D.J. Victor Marrero 